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Measures to prevent terrorists from acquiring weapons of mass destruction

Report of the Secretary-General

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I. Introduction

1. In paragraph 2 of its resolution 57/83 of 22 November 2002, entitled "Measures to prevent terrorists from acquiring weapons of mass destruction", the General Assembly urged all Member States to take and strengthen national measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture and invited them to inform the Secretary-General, on a voluntary basis, of the measures taken in that regard. In paragraph 4 of the same resolution, the Assembly requested the Secretary-General to compile a report on measures already taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction, to seek the views of Member States on additional relevant measures for tackling the global threat posed by terrorists acquiring weapons of mass destruction and to report to the General Assembly at its fifty-eighth session. The present report is submitted in response to that request.

2. By a note verbale dated 5 March 2003, Member States were invited to inform the Secretary-General on the measures taken, as well as to communicate their views on the issue. On 27 March, letters were also dispatched to relevant international organizations, including some bodies and agencies of the United Nations, inviting them to submit contributions for the preparation of the report of the Secretary-General. Replies have been received from Antigua and Barbuda, Australia, Canada, Cuba, Guatemala, Mexico, Pakistan, Qatar and Ukraine, as well as from nine international organizations. Their replies are reproduced in sections II and III, respectively, of the present report. Any replies received subsequently will be issued as addenda to the present report.

3. The attention of Member States is also drawn to the letter dated 6 June 2003 from the Permanent Representative of France to the United Nations addressed to the Secretary-General (A/57/826-S/2003/637), the annex to which contains a statement on securing radioactive sources and an action plan, both adopted by the Group of Eight on 3 June 2003.

4. For its part, the United Nations has remained engaged in matters relating to the dangers of weapons of mass destruction falling into the hands of terrorists. In its report to the General Assembly (A/57/273-S/2002/875), the Policy Working Group on the United Nations and Terrorism, established at the behest of the Secretary-General in October 2001 to identify the longer-term implications and broad policy dimensions of terrorism for the United Nations, addressed, among other issues, possible terrorism threats related to weapons of mass destruction, other weapons and technologies and formulated recommendations on the steps that the United Nations might take to address these threats. The Working Group noted that, given concerns that terrorists may seek access to stockpiles of weapons of mass destruction or related technologies, United Nations activities in the field of disarmament must gain renewed relevance. The Group also noted that, in addition to reinforcing its work in this arena and to enhancing its capacity to assist the Counter-Terrorism Committee, when needed, the Department for Disarmament Affairs should draw public attention to the threat posed by the potential use of weapons of mass destruction in terrorist acts. The report was taken note of by the General Assembly in its resolution 57/83.

II. Replies received from Member States

Antigua and Barbuda

[Original: English]
[3 April 2003]

The twin-island State of Antigua and Barbuda has absolutely no interest or intention of acquiring weapons of mass destruction, their means of delivery or materials and technologies related to their manufacture. Antigua and Barbuda is a peaceful country with no known enemy or enemies, which fosters cooperation and direct peaceful interaction among all States.

Antigua and Barbuda conforms with all of the requests by the United Nations in matters relating to terrorism, but has no expertise on issues relating to the linkage between the fight against terrorism, the proliferation of weapons of mass destruction or anything else referred to in paragraph 4 of resolution 57/83.

Australia

[Original: English]
[2 June 2003]

The international community should remain resolute in its collective determination to strengthen international arrangements to address the serious threat posed by the proliferation of weapons of mass destruction, including their proliferation to terrorists. This will require enhanced cooperation and a recognition of the complementarity of strengthened arms control mechanisms and non-proliferation regimes at the multilateral, plurilateral and bilateral levels. The lack of adequate multilateral architecture in some areas should not constrain national and regional efforts to combat the proliferation of weapons of mass destruction.

Australia actively participates in all five multilateral export control arrangements: the Australia Group, the Nuclear Suppliers Group and the Zangger Committee, the Wassenaar Arrangement and the Missile Technology Control Regime. Australia has a particularly prominent role as chair of the Australia Group — a group of 33 countries and the European Commission that seeks to harmonize national export controls on CBW-relevant dual-use materials and equipment. The Group makes an important contribution to international efforts to combat the proliferation of chemical and biological weapons and the risk of the acquisition of them by terrorists.

At the regional level, we have worked through the Regional Forum of the Association of Southeast Asian Nations (ASEAN) to address these issues, including through the Intersessional Meeting on Counter-terrorism and Transnational Crime. In June, Australia will co-host with Singapore an ASEAN Regional Forum confidence-building measures workshop on managing the consequences of a major terrorist attack.

Australia has contributed a total of some US$ 98,000 to the Nuclear Security Fund established by the International Atomic Energy Agency (IAEA) to combat the threat of nuclear terrorism.

Australia urges all States to remain closely engaged in the full range of international efforts and to keep an open mind to devising more effective ways to address the new security challenges we face.

Canada

[Original: English]
[14 July 2003]

Through the Global Partnership against the Spread of Weapons and Materials of Mass Destruction, launched by the Group of Eight at its Summit in Kananaskis, Canada, in 2002, Canada has committed to work together with its partners in the Group of Eight to eliminate the threat posed by the tens of thousands of nuclear, and chemical weapons, as well as related materials, left over from the Soviet era. On 30 May 2003, Prime Minister Jean Chrétien announced almost 149 million Canadian dollars in projects, as part of Canada's overall commitment of up to $1 billion over the next 10 years towards the Global Partnership. These projects include: almost $32 million to the European Bank for Reconstruction and Development's programme to safely and securely manage spent nuclear fuel from decommissioned submarines in the northern part of the Russian Federation; $30 million to support construction of the chemical weapons destruction site at Shchuch'ye, Kurgan Oblast, Russian Federation; $65 million to the Russian plutonium disposition programme which will dispose of material for thousands of nuclear weapons; $4 million to the International Atomic Energy Agency (IAEA) to strengthen nuclear and radiological security throughout the former Soviet Union; and $18 million to fund projects under the International Science and Technology Center in Moscow to redirect thousands of former weapons scientists into peaceful research activities. Through these projects, Canada is demonstrating strong commitment and active participation in combating terrorism and the proliferation of weapons and materials of mass destruction. Canada led the development of the six principles that were adopted at the 2002 Summit in Kananaskis, which aim to prevent terrorists or those that harbour them from acquiring or developing nuclear, chemical, radiological and biological weapons; missiles and related materials, equipment and technology. Canada calls on all countries to join the Group of Eight in adopting these non-proliferation principles.

Canada ensures that any measures taken to combat terrorism comply with our obligations under international law, in particular international human rights, refugee and humanitarian law. Canada co-sponsored a resolution on this issue at the fifty-ninth session of the United Nations Commission on Human Rights in April 2003.

Cuba

[Original: Spanish]
[28 May 2003]

Cuba's position on the linkage between the fight against terrorism and the proliferation of weapons of mass destruction is based on the same precepts and ethical principles as its position on international terrorism: Cuba unequivocally rejects and condemns all acts, methods and practices of terrorism in all its forms and manifestations, wherever, by whomever and against whomever committed. It also

condemns all acts or actions, irrespective of their promoters or perpetrators, intended to encourage, support, finance or cover up any terrorist act, method or practice.

Cuba considers that all terrorist acts and actions affect the life, health, property and safety of innocent people, violate the sovereignty and territorial integrity of States, jeopardize the functioning and stability of national institutions, cause serious damage to the production infrastructure and economic activity of States and further destabilize the international situation by creating new hotbeds of tension and, on occasion, triggering international conflicts.

Accordingly, Cuba advocates international cooperation that is truly effective in combating this phenomenon, based on a framework of international legitimacy and full respect for the principles of international law and the purposes and principles recognized in the Charter of the United Nations.

Cuba considers that the United Nations, particularly the General Assembly, has a fundamental role to play in preventing and combating international terrorism and that it is the appropriate framework for designing, and developing a comprehensive strategy, without double standards, and promoting genuine international cooperation in combating that scourge.

Cuba is convinced that only a coordinated, integrated and effective response to all forms and manifestations of terrorism, irrespective of its origin, causes and aims, will free present and future generations from the unimaginable consequences of an evil that knows no borders. In this context, Cuba reiterates its commitment and political will to continue participating actively in negotiations with a view to the drafting, under the auspices of the General Assembly, of a comprehensive convention on international terrorism that will help strengthen the existing international legal framework for combating this phenomenon.

In the meantime, as a demonstration of its political will and firm commitment to combat all forms and manifestations of international terrorism, Cuba has signed and ratified the 12 international conventions against terrorism adopted within the framework of the United Nations system, thereby responding to the call by the Secretary-General of the United Nations and becoming the third country in the world to be a State party to all those international instruments.

While humankind's awareness of the threats posed by terrorism has reached unprecedented levels in the past two years, terrorism is in fact a long-standing phenomenon that has plagued a number of countries, Cuba among them, unfortunately. Thousands of Cubans have been the victims of terrorist acts over the past 43 years, organized, financed and tolerated from United States territory. Such terrorist acts have included the use of biological agents to harm human lives and the country's agricultural output.

That is why Cuba values and supports the multilateral measures taken by various international organizations as a contribution to global efforts against terrorism, including terrorism linked to the use of weapons of mass destruction. It is aware of the potential for nuclear material and chemical and biological agents and toxins to be used to commit terrorist acts and hence of the need to take effective measures to counter the risk of their use.

In this context, Cuba supports the initiatives taken within the framework of the International Atomic Energy Agency (IAEA) and the measures taken by the States parties to the Chemical Weapons Convention and the Biological Weapons Convention to prevent nuclear material, chemical and biological agents and toxins from falling into the hands of terrorists and being used to cause unimaginable harm to human life, animals and plants.

At the same time, Cuba is firmly convinced that the only safe and effective way to prevent terrorists from acquiring weapons of mass destruction is to totally eliminate such weapons.

In this connection, while there are specific international legal regimes prohibiting the development and use of chemical weapons and biological weapons, the same is not true, unfortunately, of nuclear weapons. The obstructionist attitude of the major nuclear Power has prevented the Conference on Disarmament from commencing negotiations on a multilateral treaty on nuclear disarmament.

Cuba believes that as long as nuclear weapons and all the related nuclear material used to produce them continue to exist, there will always be a potential risk of the commission of acts of nuclear terrorism.

Cuba wonders how some countries can claim to be committed to combating international terrorism, including nuclear terrorism, when they espouse military doctrines based on the use of nuclear weapons. Consistency in combating international terrorism involves recognizing that the total elimination of nuclear weapons is a fundamental step towards eradicating that scourge effectively. Accordingly, fulfilment of the top disarmament priority established by the international community, namely, nuclear disarmament, must be allowed to proceed.

Furthermore, in addition to calling for the immediate commencement of multilateral negotiations on nuclear disarmament, Cuba will continue to uphold the inalienable right of all the peoples of the world to use nuclear, chemical and biological material, agents, equipment and technology for peaceful purposes and to receive, without discrimination of any kind, transfers of material, agents, equipment and scientific and technological information for such purposes.

In this context, Cuba expresses its concern and condemnation at the imposition by certain States, in most cases for political reasons, of unilateral restrictive measures that make it difficult for other States to use these resources for peaceful purposes and that are contrary to the principles of international law and the Charter of the United Nations.

Cuba is also opposed to selective, discriminatory regimes for the control of such transfers. It believes that concerns about the possible proliferation of weapons of mass destruction must be allayed through universal, comprehensive, non-discriminatory and multilaterally negotiated agreements.

In Cuba, all nuclear, chemical and biological programmes have always been conducted strictly for peaceful purposes, with their benefits used to promote the well-being and socio-economic development of the Cuban people. All such programmes are subject to ongoing strict monitoring by the competent national authorities and to verification by the competent international bodies.

Measures taken in Cuba to ensure the peaceful use of nuclear, chemical and biological material, agents, equipment and technology and to prevent them from being acquired by terrorists include the following.

I. Nuclear sphere

Cuba has been a member of the International Atomic Energy Agency (IAEA) since 1957 and has been a State party to the Convention on the Physical Protection of Nuclear Material since 1998.

On 23 October and 4 November 2002, respectively, Cuba ratified the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty), despite the fact that the major nuclear Power, the only such Power in the Americas, maintains a policy of hostility towards Cuba that does not rule out the use of force.

As proof of the peaceful nature of its nuclear programme, Cuba has since 1980 concluded partial safeguards agreements with IAEA for each of its nuclear facilities: INFCIRC/281 for the Juraguá nuclear power plant, INFCIRC/298 for the research reactor and INFCIRC/311 for the zero-power reactor. The second of these agreements was cancelled in March 1995 following the announcement of our decision permanently to end the project.

Between 1992 and the present, IAEA has inspected the Cuban facilities subject to partial safeguards agreements annually. Cuba's National Nuclear Safety Centre also inspects those facilities annually. In every case, it has been found that the provisions of those agreements are complied with fully.

In October 1999, Cuba signed the protocol additional to its safeguards agreements, becoming the first and only country with partial safeguards agreements to make a practical contribution to the programme for strengthening safeguards and thus to the prestige of the IAEA verification mechanism.

When Cuba became a State party to the Non-Proliferation Treaty and the Treaty of Tlatelolco, the Cuban authorities began the process of negotiating with IAEA for the conclusion, within the time frames established by both international instruments, of an expanded safeguards agreement with the Agency, as well as the additional protocol strengthening that agreement, pursuant to the obligations assumed by Cuba under article III of the Non-Proliferation Treaty and article 13 of the Treaty of Tlatelolco. To that end, a high-level IAEA delegation visited Cuba on 12 and 13 May 2003. The results of this first exchange can be described as excellent.

Existing domestic legislation

- **Decree-Law No. 207 of 14 February 2000** "On the use of nuclear energy". This decree repeals **Decree-Law No. 56 of 1982**, the first piece of legislation containing basic legal norms for the appropriate use of nuclear energy. It lay the bases for the establishment and current functioning of the National System of Accounting for and Control of Nuclear Material, which takes due account of the importance of safeguards and of the measures and controls deriving therefrom.

The National System is responsible for issuing licences and authorizations to work with nuclear material and for accounting for and control of this type of material. Its inspectors have maximum powers to order an immediate halt to operations involving nuclear material whenever any unauthorized use of such material or any breach of accounting and control regulations has been detected and the management of the facility has not immediately taken the necessary corrective measures. The Decree-Law also provides mechanisms for appealing against any irregularities.

- **Resolution No. 1/96 of the Ministry of Science, Technology and the Environment** establishing the National Nuclear Safety Centre responsible for implementing the National System.
- **Decree No. 208 of 24 May 1996** "On the National System of Accounting for and Control of Nuclear Material", enacting general provisions for the National System.
- **Resolution No. 62/92 of 12 July 1996** establishing "Rules for accounting for and control of nuclear material" and containing norms relating to the National System.

II. Chemical sphere

Cuba signed the Convention for the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction on 13 January 1993 and deposited its instrument of ratification on 29 April 1997.

A. Regulations for national implementation of the Chemical Weapons Convention

- **Agreement No. 3150/97 of the Executive Committee of the Council of Ministers** deciding to ratify the Convention and designating the Ministry of Science, Technology and the Environment (CITMA) as the National Authority under the terms of article VII of the Convention, and adopting minimum provisions essential for its implementation until such time as definitive norms are enacted.
- **Resolution 52 of the National Statistical Office**, adopted on 14 October 1997, amending the nomenclature of the harmonized product classification system to include, in an annex, amendments corresponding to the new groups assigned to chemicals listed in the Chemical Weapons Convention.
- **CITMA Resolution 35/98** creating the executive centre of the National Authority for the Prohibition of Chemical Weapons.
- **Decree-Law No. 202/99** of 24 December 1999 on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction, the highest-ranking domestic legislative provision guaranteeing compliance with Cuba's obligations as a State party to the Chemical Weapons Convention.

The Decree-Law, inter alia:

(i) Confirmed the designation of the Ministry of Science, Technology and the Environment as the National Authority for the Convention and the creation of an executive centre of that Authority;

(ii) Established a National System of Accounting for and Control of Chemicals controlled by the Convention;

(iii) Established regulations for national and international inspections under the Convention;

(iv) Imposed prohibitions on, inter alia, individuals or legal entities in the national territory or under the jurisdiction of the Cuban State.

In the course of 2003, a number of provisions supplementing the Decree-Law have been adopted:

- **CITMA resolution 15/2003** establishing rules for national inspections and arrangements for international inspections;
- **CITMA resolution 32/2003** establishing rules for the implementation of the national system for the control of chemicals covered by the Chemical Weapons Convention, the issuance of licences and permits and the processing of information.

B. Other domestic legislation in the chemical sphere

- **Decree-Law No. 107/88** on the control of industrial explosives, ammunition and explosive or toxic chemicals.
- **Decree-Law No. 154/94** establishing rules for the control of industrial explosives, ammunition and explosive and toxic chemicals.
- **Ministry of Public Health (MINSAP) resolutions Nos. 268/90 and 181/95** prohibiting the entry of certain pesticides and chemicals.
- **Ministry of Transport (MITRANS) and Ministry of the Interior (MININT) resolution No. 1/96** regulating the transport of industrial explosives, ammunition and explosive or toxic chemicals.
- **CITMA resolution No. 159/95** establishing the national register for reporting on toxic chemicals and the reporting and prior consent procedure for industrial chemicals.
- **MINSAP resolution No. 67/96** establishing rules for the control of precursors of basic or essential chemicals.
- **MININT resolution No. 1/98** regulating the use of halogenated substances to extinguish fires.
- **CITMA resolution No. 87/99** establishing requirements for the transport, storage and destruction of hazardous substances.
- **CITMA resolution No. 53/2000** supplementing the lists of hazardous wastes contained in CITMA resolution No. 87/99.
- **MINSAP resolution No. 67/96** establishing rules for the control of precursors of chemical substances.
- Cuba has also adopted updated procedures for the handling of confidential information related to the Organization for the Prohibition of Chemical Weapons (OPCW), which were approved by legislative instruments such as

Decree-Law No. 199 of 25 November 1999 and **CITMA resolution No. 1** of 26 December 2000.

Pursuant to article VII of the Convention, Cuba has duly informed OPCW of these and other legislative and administrative measures taken to implement the Convention.

As part of the measures taken to comply with the Convention, Cuba has been submitting annually, within the established deadlines, declarations on past and future industrial activities. Such declarations are prepared very rigorously, on the basis of a national monitoring system supervised by the National Authority.

In early April 2003, Cuba underwent a routine OPCW inspection of a declared facility. The inspection was conducted in a constructive atmosphere and provided confirmation on the ground that Cuba is implementing the Convention's provisions satisfactorily.

II. Biological sphere

Since 1966, Cuba has been a State party to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. It also signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction in 1972 and ratified it in 1976.

In 1994, Cuba ratified the Convention on Biological Diversity and in September 2002 it became a party to the Cartagena Protocol on Biosafety.

Biosafety activities began in Cuba in 1984 and were institutionalized in 1993. The establishment of the National Biosafety Centre in 1996 ensured that such activities are now carried out on a more organized basis. The Centre is attached to the Ministry of Science, Technology and the Environment (CITMA), the State body responsible under the 1981 Environment Act for proposing and implementing the Cuban State's biosafety policy.

Existing domestic legislation

- **CITMA resolution No. 67/96** establishing the National Biosafety Centre (CNSB) to "organize, direct, execute, supervise and oversee the National Biosafety System and organize, direct and oversee measures to comply with the country's obligations as a party to the relevant international legal instruments". In its capacity as a regulatory body, the Centre drafts legal instruments and technical standards permitting the introduction and expansion of biosafety measures in the country.
- **Decree-Law No. 190 on Biosafety** of 28 January 1999, the highest-ranking domestic law on biosafety and part of the legislation supplementing Act No. 81 on the Environment. It establishes general principles regulating the use in the national territory of biological agents and genetically modified organisms, releases into the environment of biological agents, organisms and fragments thereof with genetic information and action to ensure compliance with the Cuban State's international obligations with regard to biosafety.
- **CITMA resolution No. 42 of 1999**, entitled "Official schedule of biological agents affecting humans, animals and plants", which classifies such agents into

risk groups and provides the basis for determining the safety requirements to be observed in their handling.

- **CITMA resolution No. 8 of 2000** establishing general biosafety rules for facilities handling biological agents and their products, organisms and fragments thereof with genetic information. It includes the necessary principles for organizing biosafety in such facilities.

- **CITMA resolution No. 76 of 2000** establishing rules for the granting of biosafety authorizations, including requirements for the requesting and granting of biosafety licences and permits.

Other rules are being drafted to supplement the existing legislation, including rules for accounting for and control of biological agents.

Within the framework of the Biological Weapons Convention, Cuba has participated regularly since 1992 in the annual exchange of information on confidence-building measures agreed to at the Third Review Conference of the Parties to the Convention. A large number of scientific centres and institutions directly connected with the sphere of biology and biotechnology in Cuba are involved in the preparation and drafting of the information provided by our country.

Moreover, Cuba has always advocated strengthening the Biological Weapons Convention by adopting a legally binding, multilaterally negotiated international instrument. Accordingly, Cuba took an active, constructive part in negotiations within the ad hoc group of States parties to the Biological Weapons Convention on a protocol designed to strengthen the Convention through, inter alia, verification measures.

Unfortunately, when the negotiating process was almost complete, the obstructionist attitude of the United States Government thwarted more than six years of multilateral negotiations and prevented a consensus from being reached on the text of the Protocol. In so doing, the United States Government gave the world a further demonstration of its hegemonic, unilateral policy and showed once again its lack of real commitment to measures to strengthen the international regimes that prohibit weapons of mass destruction and thus to international cooperation in preventing such weapons from falling into the hands of terrorists.

Cuba is prepared to continue taking an active, constructive part in the follow-up mechanism adopted by the States parties at the Fifth Review Conference of the Parties to the Biological Weapons Convention, held in 2002, and, together with the other countries members of the Movement of Non-Aligned Countries, remains firmly convinced that the only truly effective and sustainable way to strengthen the Convention is through multilateral negotiations leading to the conclusion of a legally binding international instrument.

Last, but not least, Cuba has up-to-date legislation on terrorism, adopted by the National Assembly of People's Power on 24 December 2001. Act No. 93 against Terrorist Acts is unequivocal and severe in its condemnation of, inter alia, terrorist acts committed with chemical or biological substances or agents. Article 10 of the Act states that: "Any person who manufactures, facilitates, sells, transports, sends, introduces into the country or has in his possession, in any form or place, arms, ammunition or flammable, asphyxiating or toxic materials, substances or instruments, plastic explosives or any other type or kind of explosives, chemical or

biological agents or any other elements from whose research, design or combination products of the kind described can be derived, or any other similar substance or explosive or lethal device, shall be liable to a term of imprisonment of 10 to 30 years, life imprisonment or the death penalty".

Cuba will remain firmly committed to and will continue to participate actively in all initiatives and measures that, in a context of genuine, legitimate international cooperation based on respect for the principles of the Charter of the United Nations and international law, may be carried out to combat terrorism in all its forms and manifestations, including terrorist acts involving the possible use of weapons of mass destruction.

Guatemala

[Original: Spanish]
[24 April 2003]

The State of Guatemala does not manufacture, develop or possess and has not supplied, sold or transferred to any terrorist or terrorist organization weapons of mass destruction, their means of delivery and other directly or indirectly related materials. Every transaction for the sale of arms, ammunition and other related materials is checked against the list of international terrorist organizations issued by the United Nations Security Council.

Domestic legislation

Guatemala's relevant domestic legislation is Legislative Decree No. 39-89, the Arms and Ammunition Act, which defines a number of offences punishable by imprisonment plus financial penalties. It also provides that the functions of the Department of Arms and Ammunition Control (DECAM), a unit of the Ministry of National Defence, include authorizing, registering and controlling the import, manufacture, sale, donation, export, storage, removal from storage, transport and bearing of arms and ammunition. Offensive weapons and vehicles, equipment, materiel and spare parts are purchased from foreign companies or armies, through the Ministry of National Defence, for the exclusive use of the Guatemalan armed forces.

In this context, the Arms and Ammunition Act contains general and specific prohibitions on the manufacture, import, export, possession and bearing of offensive firearms, offensive bladed weapons, explosives, chemical weapons, biological weapons, nuclear weapons, mines, experimental weapons, sound reducers, suppressers or silencers and the appropriate ammunition to be used with them, devices for firing a hidden weapon, such as attaché cases, pencil cases, books and the like, ammunition for exclusively military use and ammunition that has been altered or poisoned with natural chemical products.

Article 93 of the Act criminalizes illegal possession and stockpiling of offensive firearms, explosives, chemical, biological and nuclear weapons, mines and experimental weapons.

International legislation

- Convention on the Physical Protection of Nuclear Material;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection;
- International Convention for the Suppression of Terrorist Bombings;
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;
- Treaty on the Non-Proliferation of Nuclear Weapons;
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials.

To implement the above instruments, it is necessary to enact legislation containing standard definitions of offences that criminalize the use of arms, ammunition and explosives by any person who, for the purpose of causing terrorism, manufactures, imports, exports, acquires, sells, delivers, transports and/or transfers, bears, conceals, stockpiles, uses or attempts to use light arms, conventional weapons, explosives, chlorates, nitrates, ammunition, gunpowder or the like; develops and/or produces, transfers, acquires, keeps or possesses biological, chemical and/or nuclear weapons, equipment, means of delivery, toxins, biological agents, launching equipment and other related materials; or provides technical and practical assistance to countries that assist or support terrorist activities and to individuals and legal entities that carry out such activities.

With regard to the control of chemical and biological agents, the Ministry of Public Health and Social Welfare is to be responsible for supervising and controlling biological agents, vectors and chemicals, while the Ministry of Energy and Mines will be responsible for establishing and maintaining supervision and control of nuclear and radiological agents that could be used for terrorist purposes.

Mexico

[Original: Spanish]
[13 May 2003]

Mexico has taken part in United Nations efforts against terrorism and supports the international community's efforts fully to implement Security Council resolution 1373 (2001).

Mexico has submitted two reports to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, on 21 December 2001 and 15 July 2002, describing the measures it has taken to combat terrorism, including measures to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture.

Mexico shares the international community's concern at the growing risk of linkages between acts of terrorism and the use of weapons of mass destruction, in particular the growing threat that terrorist groups might have access to such weapons.

Mexico has also pointed out that progress in the area of disarmament and non-proliferation is itself a positive contribution to global efforts against terrorism.

Pakistan

[Original: English]
[12 June 2003]

1. Consistent with its policy of restraint and responsibility in nuclear matters and its role as a leading country in the fight against terrorism, Pakistan supports the objectives of resolution 57/83. Pakistan shares the view that the international security system should be strengthened to ensure those materials and technologies relevant to weapons of mass destruction do not become available to criminals and terrorists.

2. First and foremost the issue requires clear definitions of the problem and an objective and apolitical approach. The nature and complexity of the issue warrants a multi-pronged response.

3. The surest way to eliminate this threat is the complete elimination of all weapons of mass destruction, including nuclear weapons. Based on the fundamental principles enshrined in the Charter of the United Nations, especially the principle of equal security for all States, there is a need to promote negotiations for nuclear disarmament. At the Conference on Disarmament, the Group of Twenty-one has presented proposals envisaging a step by step approach to reducing nuclear dangers and leading to multilateral negotiations for nuclear disarmament (see CD/1463).

4. Pakistan believes that while it is important to combat the symptoms and manifestations of terrorist acts, equal determination by all States is also required to address the underlying causes of terrorism, which stem from suppression, injustice and deprivation. Bold initiatives from States Members of the United Nations in dealing with causes of the menace of terrorism would constitute a significant pre-emptive step in preventing the emergence of terrorists and their efforts to acquire weapons of mass destruction.

5. One of the most significant initiatives that Member States can take in this regard is to undertake urgent and meaningful efforts to resolve long-standing disputes, especially in regions simmering with tensions such as South Asia and the Middle East, peacefully and in accordance with the Charter.

6. As part of its commitment to fight terrorism in all its forms and manifestations, Pakistan has taken a number of far-reaching steps. In accordance with Security Council resolutions, Pakistan has put in place legal and administrative mechanisms to effectively halt financial and other support to terrorist organizations and groups. Pakistan has signed or ratified 11 out of 12 anti-terrorism instruments.

7. It is important for the Member States to take cognizance of the fact that chemical and biological weapons could pose a more immediate threat. It is argued that through easy access and availability of precursors, agents and relatively simple processes involved, including their transportation, terrorists can readily produce such weapons. However, an objective analysis of this issue would indicate that several formidable technical hurdles would need to be overcome in order to produce workable weapons of mass destruction. The unsuccessful use of Sarin in a subway in Japan in 1995 illustrates this point. This is not to suggest that the threat does not exist.

8. Such challenges can be addressed effectively through faithful compliance, early destruction of stockpiles by possessor States and by strengthening both Chemical and Biological Weapons Convention, through mechanisms provided within these treaties.

9. Pakistan, as a signatory to both the Chemical and Biological Weapons Convention, has put in place stringent export control measures as part of its commitment to strictly adhere to both these Conventions. Pakistan's commitment that it would not export any sensitive technologies or materials to third countries remains unquestionable. Its record in this regard is impeccable.

10. As a nuclear-weapon State, Pakistan is fully alive to its responsibilities. Its nuclear facilities and assets are State-owned and under a fail-safe export control regime. It has devoted all necessary resources and taken administrative measures in this regard.

11. Although Pakistan is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons, it is fully committed to the goals of nuclear non-proliferation and disarmament. Pakistan's nuclear assets are under a strict physical protection regime, elaborate custodial controls and a comprehensive command and control structure. Such a rigorous security and monitoring system rules out any danger of transfers of sensitive materials, equipment, technology or information.

12. Pakistan is a party to the Convention on the Physical Protection of Nuclear Material. It has participated actively and constructively in the negotiations for broadening the scope of the Convention.

13. Unlike the Chemical Weapons Convention, the Biological and Toxin Weapons Convention has no elaborate implementation mechanism. Negotiations for a Protocol to the Convention should be allowed to resume and conclude. As for the voluntary-based mechanism decided upon at the Fifth Review Conference of the States Parties to the Convention, it should help enhance common understanding on a variety of aspects relating to bio-terrorism. It cannot, however, be a substitute for a legally binding Protocol.

14. Although radiological dispersal weapons are not considered to be weapons of mass destruction as such, their use by terrorists can lead to serious consequences. Discussions on the issue and the possibility of attacks on nuclear facilities can be useful. The IAEA Code of Conduct on the Safety and Security of Radioactive Sources and its other relevant programmes provide a helpful framework within which to address this challenge. The foremost priority in this regard is to step up efforts towards securing and managing the so-called "orphaned radioactive sources".

15. The IAEA's technical cooperation programme should be strengthened. States that require such assistance should be able to voluntarily seek it. The process of making available adequate funds needs to be expedited.

Qatar

[Original: Arabic]
[3 June 2003]

In the context of preventing terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their

manufacture, we inform you that such weapons are not produced or stockpiled in the State of Qatar, which has no experience in this area.

Law No. 14 of 1999 on weapons, munitions and explosives contains articles providing as follows:

Punishment shall be imposed on any person who uses, or attempts to use, explosives with the intention of killing one or more persons, causing alarm, destroying buildings, State-owned facilities, public institutions or organizations, companies partly owned by the State, public benefit organizations, or other institutions, buildings, factories, houses of worship, places equipped for public meetings or any place of public resort, any place in which members of the public happen to assemble, even if such place is not equipped for that purpose, or any place that is inhabited or equipped for habitation.

The law also provides for the punishment of any person using or attempting to use explosives in a manner such as to endanger human life or property.

A term of imprisonment of between 7 and 14 years shall be imposed on any person who obtains, possesses, manufactures, solicits, imports, transports, or trades in explosives, or attempts to do so, prior to obtaining a permit for that purpose from the licensing authority. If the purpose of such action is to commit a crime involving the use of explosives, or to enable another person to do so, a term of imprisonment of between 10 and 20 years shall be imposed.

A term of imprisonment of between 10 and 20 years shall also be imposed on any person who trains or instructs, or attempts to train or instruct, one or more persons to manufacture explosives or to use them for an unlawful purpose.

The same penalties shall be imposed on any person receiving such training or instruction, or attempting to do so, while being aware of the purpose thereof.

In that connection, the State of Qatar urges the implementation of the Security Council resolutions aimed at eliminating all weapons of mass destruction from the Middle East region, particularly resolutions 487 (1981) and 687 (1991).

Ukraine

[Original: Russian]
[28 May 2003]

Ukraine has adopted a number of legislative acts, the provisions of which are aimed at strengthening measures for the physical protection of nuclear facilities and materials, radioactive waste and sources of ionizing radiation. Work is continuing on the development of additional normative documents in this area.

In the context of efforts to prevent the proliferation of weapons of mass destruction and materials that may be used for terrorist ends, Ukraine is fulfilling in the proper manner its obligations under the International Atomic Energy Agency (IAEA) Safeguards Agreement adopted in September 1995. In accordance with this Agreement, Ukraine has established a national system of accounting for and control of nuclear material; in implementing the system, a set of requirements has been developed with respect to the conduct by national enterprises of activities involving nuclear material.

In order to monitor the observance of the IAEA Safeguards Agreement and hold consultations on issues that may arise in the course of the implementation of the safeguards, two working groups were established in 2001 in conjunction with IAEA to review the process of applying the safeguards in Ukraine.

Within the framework of its support for the Agency's efforts to increase the effectiveness of the safeguards system and strengthen the mechanisms for identifying undeclared nuclear material and activities, in August 2000 Ukraine signed the Protocol Additional to the IAEA Safeguards Agreement. Preparatory work is currently being undertaken with a view to its ratification.

Ukraine actively supports the IAEA Action Plan to combat nuclear terrorism; in this context, it is planned to implement a project to equip Ukraine's border crossing points with stationary means for radiation monitoring.

Ukraine is participating actively in the process of revising and improving the Convention on the Physical Protection of Nuclear Material. In 1997, Ukraine joined the IAEA programme for collecting and sharing information on incidents of illicit trafficking in nuclear materials and radioactive sources. The national regulatory body for nuclear activities ensures the sharing of information on relevant issues with the Agency's database.

The following measures could be important in the context of reducing the global threat posed by terrorists acquiring weapons of mass destruction:

- Dissemination of the requirements for a system of accounting for and control of highly active radioactive substances;
- Provision by developed countries of assistance in establishing and enhancing regulatory frameworks for nuclear activities to those States that do not have appropriate experience;
- Sharing by developed countries of experience on issues relating to the further development of national systems of physical protection, accounting for and control of nuclear material.

III. Replies received from international organizations

African Union

[Original: English]
[12 June 2003]

Introduction

1. This report presents a summary of the activities undertaken by the African Union to prevent and eliminate the scourge of terrorism, in particular as it relates to the prevention of terrorists from acquiring weapons of mass destruction. It should be noted at the outset that no specific legislation has been taken in Africa at the continental level to directly address the growing risks of linkages between terrorism and weapons of mass destruction. However, ongoing efforts by the African Union to finalize an additional protocol to the Convention on the Prevention and Combating of Terrorism, adopted by the Assembly of Heads of State and Government of the

Organization of African Unity (OAU) at its thirty-fifth ordinary session in Algiers in 1999, have envisaged specific provisions to address the linkages between terrorism and weapons of mass destruction, particularly chemical, biological and nuclear weapons or explosives.

II. Existing relevant instruments

A. The 1999 Algiers Convention on the Prevention and Combating of Terrorism

2. The Convention on the Prevention and Combating of Terrorism in Africa came into force on 6 December 2002. The Convention does not make specific reference to weapons of mass destruction, but contains generic provisions that seek to prevent terrorists from acquiring any material or psychological support necessary for organizing and carrying out terrorist activities. In the preamble, Member States expressed their awareness of the growing link between terrorism and organized crime, including the illicit trafficking in arms. In an attempt to deprive terrorists of the means of committing and participating in terrorist activities, the Convention, inter alia, provides for the following:

(a) In article 4 (1) of the Convention, States Parties undertake to cooperate and refrain, inter alia, from providing havens for terrorists, directly or indirectly, including the provision of weapons and their stockpiling in their countries;

(b) In article 4 (2) (b), Member States undertake to develop and strengthen methods of monitoring and detecting plans or activities aimed at the illegal cross-border transportation, importation, export, stockpiling and use of arms, ammunition and explosives and other materials and means of committing terrorist acts;

(c) In article 5 (1) (a), Member States undertake to strengthen the exchange of information on terrorist groups, their leaders and elements, including their means and sources of funding and acquisition of arms, the types of arms, ammunition and explosives used;

(d) In article 5 (2) (b), Member States undertake to seize and confiscate any type of arms, ammunition, explosives, devices or funds or other instrumentalities of crime used to commit terrorist acts or intended for that purpose.

B. The Plan of Action for the Prevention and Combating of Terrorism of the African Union

3. The Plan of Action adopted by the African Union intergovernmental high-level meeting held from 11 to 14 September 2002 provides for concrete measures to be taken at the national, regional and continental levels against the scourge of terrorism. In the preamble, the Plan calls for joint action to be taken, inter alia, in developing and strengthening border control points and combating the illicit import, export and stockpiling of arms, ammunition and explosives, in order to curb access by terrorist networks to Africa.

4. In paragraph 10 (d) of the Plan of Action, reference is made to the intimate relationship between terrorism and related scourges such as drug trafficking, illicit proliferation and trafficking of small arms and light weapons. In paragraph 14 (a) (i), the Plan also calls for the need to enhance information exchange and intelligence on the activities and criminal acts of terrorist groups, including the weapons, types of arms, ammunitions and explosives used.

C. The African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba)

5. African countries have long expressed concern over the danger posed by nuclear weapons. As far back as 1964, OAU, meeting at its first ordinary session in Cairo, adopted resolution AHG/Res.11 (I), in which African leaders expressed their willingness to conclude an agreement to ban the manufacture, testing, proliferation or stockpiling of nuclear weapons in Africa. That initiative was given impetus by successive sessions of the Council of Ministers, which adopted resolutions CM/Res.1342 (LIV) and CM/Res.1395 (LVI) of 1991 and 1992, respectively, affirming that the time was right to give concrete expression to the Cairo resolution, which called for the establishment of a nuclear-weapon-free zone in Africa. All these culminated in the adoption, in 1998, in Pelindaba, South Africa, of the African Nuclear-Weapon-Free Zone Treaty.

6. To protect African countries from any possible nuclear attacks on their territories, the Treaty of Pelindaba prohibits research, manufacture, stockpiling, proliferation, acquisition or possession of any nuclear explosive device by African States. Though the Treaty does not specifically address the question of access to nuclear weapons by terrorists, it nonetheless, generally outlaws nuclear weapons and other radioactive devices on the continent, which, if strictly implemented, would bar terrorists from having access to such weapons throughout Africa.

III. Conclusion

7. With regard to chemical and biological weapons, African countries have adhered to the United Nations conventions on chemical and biological weapons and General Assembly resolution 57/82 on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. In July 2002, at its first Assembly of Heads of State and Government, held in Durban, South Africa, the African Union adopted resolution AHG/Dec. 181 (XXXVIII) on the implementation and universality of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. In that decision, the Assembly, inter alia, welcomed the recommendation for an effective implementation of the Chemical Weapons Convention in Africa. Although no direct link has been established between the Assembly's decision and the fight against terrorism, the effective implementation of these instruments could help to prevent terrorists and other criminal groups from acquiring weapons of mass destruction.

Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

[Original: English]
[20 May 2003]

Resolution 419, "Illicit trafficking of nuclear materials" was adopted by the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) at Panama, 30 November 2001. The resolution expressed concern over the possibility of nuclear material reaching the hands of terrorist groups; invited Member States to cooperate on an international basis to enhance the universal regime for the physical protection of nuclear material and to adopt measures to prevent and impede the illicit trafficking of nuclear material for terrorist actions and other non-peaceful uses.

Resolution CG/Res.419
Illicit trafficking of nuclear materials

The General Conference,

Reiterating its commitment with the principles which gave rise and enforced the Treaty of Tlatelolco, particularly due to the conviction of Latin America and the Caribbean that the nuclear materials and facilities submitted to their jurisdiction, be used in this region solely for peaceful purposes;

Convinced that the illicit trafficking of nuclear materials endangers international peace and security;

Bearing in mind resolution CG(45)/RES/14 of 21 September 2001, adopted at the XLV General Conference of the International Atomic Energy Agency regarding the measures against illicit trafficking in nuclear materials and other radioactive materials;

Considering the convenience of strengthening the universal regime for the protection of nuclear materials;

Recognizing the importance of resolution 1373 (2001) of the Security Council of the United Nations Organization, which in its resolutive paragraph 4 "Notes with concern the close connection between international terrorism and the illicit movement of nuclear materials, and emphasizes the need to promote coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security",

Resolves:

1. **To express** its increased concern for the possibility of the nuclear material to reach the hands of terrorist groups.

2. **To invite** the Member States of OPANAL to cooperate on an international basis to enhance the universal regime for the physical protection of nuclear material.

3. **To make a call** to the Members of OPANAL to adopt measures to prevent and impede the illicit trafficking of nuclear material for terrorist actions and other non-peaceful uses, and to increase security at the nuclear facilities and of materials used for such purpose.

Association of Southeast Asian Nations[1]

[Original: English]
[3 June 2003]

The Association of Southeast Asian Nations (ASEAN) has adopted the work programme to Implement the ASEAN Plan of Action to Combat Transnational Crime in May 2002. The work programme contains a component on terrorism, which lays down the measures and initiatives that ASEAN Member Countries will take to combat terrorism. One of the initiatives relates to bioterrorism, a form of weapon of mass destruction. Under the specific measure, ASEAN will convene specialized workshops, seminars and training courses for ASEAN law enforcement officials on bioterrorism. ASEAN will also compile a list of national research institutions with the capabilities to carry out chemical analysis of biological agents and toxins.

In addition, ASEAN is looking at addressing the threat of bioterrorism in terms of institutional capacity-building and the necessary legal framework.

ASEAN would welcome the cooperation of the international community in its regional efforts in combating this threat of terrorism and weapons of mass destruction.

International Atomic Energy Agency

[Original: English]
[8 July 2003]

Nuclear security

Progress on implementing the IAEA plan of action for protection against nuclear terrorism

Introduction

The possibility of nuclear terrorism has been an area of heightened focus for the International Atomic Energy Agency (IAEA) in the past couple of years. The potential for the acquisition of a nuclear-weapon by sub-State groups has previously received extensive consideration, but the terrorist attacks of September 2001 brought a new focus to the potential threat of nuclear and radiological terrorism — not least because of the evident sophistication in the coordination of the attacks and the willingness of the terrorists to perish in the execution of their actions.

[1] The following documents were attached to the reply received from the Association of Southeast Asian Nations (ASEAN): ASEAN Efforts to counter terrorism, ASEAN Secretariat Information Paper (rev.1); 2001 ASEAN Declaration on Joint Action to Counter Terrorism; Declaration on Terrorism by the 8th ASEAN Summit; Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues, 6th ASEAN Summit; ASEAN Regional Forum Statement on Measures Against Terrorist Financing; ASEAN-United States of America Joint Declaration for Cooperation to Combat International Terrorism; and fourteenth ASEAN-EU Ministerial Meeting Joint Declaration on Cooperation to Combat Terrorism. These documents are available for consultation at the Department for Disarmament Affairs.

In the wake of 11 September 2001, IAEA moved rapidly to conduct a thorough review of intra-Agency programmes related to the prevention of acts of nuclear and radiological terrorism and to compile a comprehensive plan for upgrading nuclear security worldwide. The IAEA plan of action for protection against nuclear terrorism adopted in principle by the Agency's Board of Governors in March 2002 is now being implemented. The plan covers eight areas of activity.

1. Physical protection of nuclear material and nuclear facilities;
2. Detection of malicious activities (such as illicit trafficking) involving nuclear and other radioactive materials;
3. Strengthening of State systems for nuclear material accountancy and control;
4. Security of radioactive sources;
5. Assessment of safety and security related vulnerabilities at nuclear facilities;
6. Response to malicious acts or threats thereof;
7. Adherence to international agreements and guidelines; and
8. Coordination and information management for nuclear security related matters.

The progress achieved in implementing the activities described above is summarized below.

Activity areas

I. Physical protection of nuclear material and nuclear facilities

V. Assessment of safety/security related vulnerability of nuclear facilities

Objectives and goals: To further enhance the capacity of Member States to protect nuclear facilities and nuclear material in use, storage or transport against nuclear terrorism. The objective is also to strengthen the capability of Member States to assess the vulnerability of their nuclear facilities to possible malicious acts. This is achieved by providing, on request assessment services, together with associated advice and follow-up actions to improve security arrangements at specific locations by the development of the appropriate methodologies, the provision of training and through other supporting activities such as the development of guidelines and recommendations.

Progress made in achieving the objectives and goals

1. The Agency's International Physical Protection Advisory Service (IPPAS) missions continue to provide advice to States to help them to strengthen the effectiveness of their physical protection systems. The Agency is currently preparing seven IPPAS missions and others are at an early consultative stage.

2. The Agency is in the process of updating its IPPAS Guidelines to incorporate a modular approach, with modules for nuclear power plants, research and fuel cycle facilities and for other radioactive materials, including for vulnerable radioactive

sources in use, storage and transport. Protection and security methodologies for nuclear materials, facilities and transports is being utilized in considering protection and security arrangements for vulnerable radioactive sources and other radioactive materials.

3. In developing measures to reduce the vulnerability of nuclear facilities to terrorist attack, there is a strong synergy between safety and security. The Agency's approach recognizes that physical protection includes, as essential elements, safety-engineering measures for physical protection. The "Guidelines for the self-assessment of safety and security vulnerabilities of nuclear installations", expected to be completed by June 2003, will integrate safety and security issues related to sabotage of a nuclear installation. Closely associated with the work on protecting vulnerabilities of nuclear installations in relation to sabotage is the work on methodology for identifying "vital areas" of nuclear installations. A draft technical document on the methodology and the related training material has been developed, reviewed and accepted by Member States security and safety experts.

4. Member States have requested guidance on how to initiate and establish security arrangements at nuclear installations. Work has started on producing guidance for the development of requests for, and evaluation of, bids for the construction of physical protection systems. Work is also under way on the development of guidance that can be used for the analysis and protection against "insider threats".

5. A Design Basis Threat (DBT) methodology, developed by the State, provides an essential foundation for the State system of physical protection. A team of experts from Member States has completed a review of the DBT methodology, the curriculum used at the DBT workshops and the DBT Life Cycle. The methodology has been documented in the draft "Guidance for the development and maintenance of a design basis threat", which will be ready for distribution to Member States, upon request, in June 2003. DBT workshops involve sensitive information so the material used in these events is treated as "confidential".

6. Physical protection expertise, derived from long experience in protecting nuclear material, is relevant to threat-based evaluation of the measures required to protect other radioactive materials and facilities from terrorist theft and attack. The DBT methodology is applicable to other radioactive materials, including sources.

7. The Agency is implementing an extensive programme of physical protection related training, workshops and seminars directed at international, regional and national audiences.

8. A field-type training course "Practical Application of Physical Protection" was conducted at a training centre in the Russian Federation where established in-field training facilities have been made available for the training of operators of nuclear installations of Russian origin and design. Efforts are under way to further upgrade this centre, to enable training on how to test the design of physical protection systems, including alarm, detection and delay. Thereafter, training will be offered to a larger group of States.

9. A meeting with the directors of the nuclear power plants in the Russian Federation was convened to discuss security culture at Russian nuclear power plants. The implementation of a security culture will be discussed at a meeting in 2003 at which experiences gained in the Russian Federation and in other States will

be shared with a view of identifying a common basis for a generally applied security culture.

10. A pilot regional course on the "Security of nuclear installations" has been held to specifically deal with security aspects of "mixed facilities" in which research reactors and laboratories are operated and radioactive sources are produced.

II. Detection of malicious activities involving nuclear and other radioactive materials

Objectives and goals: To ensure that effective measures are in place to detect and interdict incidents of theft, illicit possession and illicit nuclear trafficking. This is achieved, for example, by providing, on request, assessment services, training and technical support, and by coordinating the development by Member States of up-to-date detection instrumentation.

Progress made in achieving the objectives and goals

11. Evaluation missions to assess present capabilities at borders to detect and respond to illicit nuclear trafficking have been conducted in several countries. Expert teams worked with the host country counterparts to identify the needs for improved detection capability at borders and to identify the assistance needed to establish and sustain an improved capability.

12. In response to requests for assistance, the Agency performed incident response missions to assist with characterization of radioactive materials seized in illicit trafficking.

13. Given the expanding awareness of the need to combat illicit trafficking, the Agency held a workshop on nuclear security related topics for personnel involved in law enforcement, regulatory activities, customs and commercial operators in November 2002.

14. States in Africa have also noted that illicit nuclear trafficking is an increasing problem for them and expressed a wish to enhance their capacity to deal with the problem. A tentative work plan includes a regional awareness seminar to combat illicit trafficking and nuclear security evaluation missions to five States that have requested such assistance. The seminar will provide the foundations for determining subsequent nuclear security assistance.

15. In February 2003, a pilot regional course "Response to Nuclear Terrorism and Incidents Involving the Illicit Trafficking of Radioactive Materials" was held. It focused on responding to terrorist acts, including related aspects of illicit trafficking in nuclear and radioactive materials, and included a demonstration of the host country's arrangements for emergency response to such acts.

16. To respond to the need for training staff of national authorities, law enforcement agencies and the relevant scientific community in combating illicit nuclear trafficking, the Agency has developed a training strategy. Three specific training categories have been identified: (a) regional awareness seminars to combat illicit trafficking; (b) regional focused training on methodologies and practices to detect radioactive materials in illicit trafficking; and (c) specific training in using detection equipment provided as support.

17. An "Interregional seminar on emerging issues for nuclear security" was held in the United States of America in October 2002, and an "International Seminar on Nuclear Security" for participants from all interested States will be held in the United States of America in October 2003.

18. Coordinated research project on "Improvement of technical measures to detect and respond to illicit trafficking of nuclear material and other radioactive materials" continues to make progress.

19. Laboratory facilities have been established in the Agency to provide some technical support related to detection and response to illicit trafficking.

20. Efforts continue to provide guidelines and recommendations to the law enforcement community. A "Handbook on Illicit Trafficking" and a technical document (TECDOC) on radioactive materials typically involved in illicit trafficking are nearing completion.

III. State systems for nuclear material accountancy and control

Objectives and goals: To ensure that all nuclear material in Member States is properly accounted for at all times. This is achieved, for example, by providing assessment services, by coordinating technical support programmes provided by Member States for example with respect to equipment upgrades and by providing guidance on technical capabilities necessary for performing measurements and analysis, the technical and administrative systems to ensure recording and record-keeping and by providing training to SSAC and facility personnel.

Progress made in achieving the objectives and goals

21. Effective systems for nuclear material control and accountancy are essential for maintaining the security of nuclear material and combating illicit trafficking. While an effective SSAC is an essential element for the implementation of a State's safeguards agreement, nuclear material control and accountancy also underpin physical protection and export control. During the past year, safeguards-related training courses, workshops and seminars available to Member States were upgraded and expanded.

22. Using a methodology distributed to several States, the majority of the recipients have carried out self-assessments of their SSACs. The Agency has assisted by completing an evaluation of their responses. The results of these evaluations provide the basis for Agency assistance to enhance SSACs. This process will continue for other States.

23. Nine SSAC-related training events were conducted for Member States in 2002. These included three international courses on State Systems of Accounting for and Control of Nuclear Material (SSACs); a regional training course on IAEA safeguards; three workshops on familiarization with Agency safeguards; and two workshops on nuclear material accountancy and reporting.

IV. Security of radioactive material other than nuclear material

Objectives and goals: To improve national security measures with respect to radioactive material other than nuclear material and to ensure that significant, uncontrolled radioactive sources are brought under regulatory control and properly

secured. This is achieved by providing advisory services and assistance to Member States in their efforts to identify, locate and secure or dispose of orphan sources as well as through the preparation of guidelines and recommendations.

Progress made in achieving the objectives and goals

24. Work under this activity can be broadly grouped into two areas: **retrospective** — remediation of the existing situation with regard to orphan or vulnerable radioactive sources; and **prospective** — efforts to prevent further sources becoming orphaned or vulnerable.

Retrospective

25. The focus of retrospective efforts is on the development of national strategies for regaining control over radioactive sources. Four pilot assessment missions for this purpose have been completed.

26. The draft technical document on development of national strategies takes into account the lessons learned from these missions. Four regional workshops and 10 national missions are planned using teams comprised of experts from Member States and Agency staff.

27. The United States, the Russian Federation and the Agency have formally launched the "Tripartite Initiative on Securing and Managing Radioactive Sources". The Tripartite Initiative is focused on securing vulnerable, high-activity radioactive sources within the former Soviet Union. To determine the actions needed in a specific State, assessment missions have been performed and have resulted in improved security for some sources in certain countries. Other such missions are being planned.

Prospective

28. One major focus of preventive efforts is on the development of a possible international undertaking based on the "Code of Conduct for the Safety and Security of Radioactive Sources". A draft of the revised Code of Conduct was discussed with Member States at a meeting in March 2003. The draft has now been distributed to Member States for comments by 1 June 2003. A meeting to review and incorporate comments on the Code of Conduct will be held in July 2003 with a view to finalizing the revisions in time for the Board of Governors meeting in September 2003.

29. Measures to improve both safety and security will be based on a "Categorization of Radioactive Sources". A revision of "Categorization of Radioactive Sources, TECDOC-1344" has been made with the help of Member States experts and a final draft has been distributed to all Member States for comments. The categorization will be the basis of much future guidance with regard to safety and security of radioactive sources. Additional criteria may be applied, however, to identify the small fraction of radioactive sources that may be particularly vulnerable for potential terrorist acts that would aim at dispersing radioactivity to the general public, to cause damage to the environment or property. Such sources may require additional physical security to protect them from such use.

30. A second major focus of the preventive work is the development of guidance on the "Security of Radioactive Sources". An interim document has been completed

and will be published shortly. A meeting of representatives from the major manufacturing and distributing countries was held in Vienna in late April 2003 to address issues related to design of sources, validation of legal purchases and return of sources as well as consideration of export controls.

31. A major international conference on the "Security of Radioactive Sources" was held in Vienna in March 2003. The findings of this conference were based on a recognition of the need to strengthen safety and security of radioactive sources and included proposals to identify, search for, recover and secure high-risk radioactive sources; strengthening long-term control over radioactive sources; interdicting illicit trafficking and improving the planning of the response to radiological emergencies arising from the malevolent use of radioactive sources. The findings from this conference will be incorporated into a revised Action Plan for the Safety and Security of Radiation Sources.

V. Assessment of safety/security related vulnerability of nuclear facilities

32. See Activity Area 1, above.

VI. Response to malicious acts, or threats thereof

Objectives and goals: To ensure that States and the Agency are able to respond effectively to the radiological aspects of acts of nuclear terrorism involving nuclear and other radioactive materials. This is achieved, for example, by strengthening the radiological emergency response of States through training and technical support, the development of guidelines and recommendations, and the enhancement of the Agency's own arrangements to respond to radiological emergencies.

Progress made in achieving the objectives and goals

33. The document "Preparedness and Response for a Nuclear or Radiological Emergency", containing requirements for preparing for and responding to nuclear or radiological emergencies involving malicious acts, was published in November 2002. The Agency has published the methodology for developing emergency preparedness and response arrangements for nuclear or radiological emergencies that in part addresses arrangements for responding to emergencies resulting from malicious acts.

34. The Agency has intensified its effort to strengthen emergency response measures in States. As part of the ongoing training programme in emergency response measures, 10 regional train-the-trainer courses and two national workshops were conducted on various aspects of emergency preparedness and response, including response to radiological emergencies, medical preparedness and response, emergency monitoring and technical assessment of emergencies at reactor facilities. Some of these courses were augmented with interim training material specifically addressing preparedness for emergencies resulting from malicious acts.

35. A draft technical document has been developed on "Preparedness and Response for Malevolent Acts Involving Radioactive Material". The purpose of the document is to present a background, planning methodology and, where appropriate, tools to assist the community of national authorities involved in making arrangements for response to such emergencies. The document provides a background to the subject with clear references to existing Agency documents for

more detailed information, introduces material that describes differences in planning and response for nuclear and radiological emergencies resulting from malicious attacks, or imminent threats thereof, from planning and response for accidents. The document will be used as a basis for revising existing emergency response preparedness and response manuals, their associated training material and appraisal methodologies to better address the specific issue of the response to nuclear or radiological emergencies arising from malicious activities. Interim training material based on the draft document will be piloted in workshops later in 2003.

36. The Agency has commenced the strengthening of its own emergency response arrangements. However, these have been delayed owing to additional activities placed on the emergency response system resulting from discovery of dangerous orphan sources in Georgia. A tabletop study was performed with the aim of identifying gaps in the Agency's current response system that need strengthening in order to respond adequately to new scenarios that might require an Agency response. The issues have been reflected in the latest edition of the Joint Radiation Emergency Plan of the International Organizations, the Emergency Notification and Assistance Technical Operations Manual (ENATOM) and the Nuclear and Radiological Emergency Assistance Plan (NAREAP). The Agency has established rudimentary interim arrangements for in-house response to malicious events causing radiological emergencies.

37. Since September 2001, States have requested assistance from the Agency on measures to take in case of theft or seizure of a radioactive source. The Agency has responded to these requests by providing experts for assessment of safety hazard, to help identify the properties of the material seized and to advise on other measures, e.g. improved control at borders. Such assistance was requested by some States to address events in which sources were involved in illicit trafficking, and to assess the safety hazard and handling of an orphan source detected in an urban area.

38. Some preparatory activities were started regarding response to terrorist acts and related emergencies at nuclear installations The first steps of this activity, which will involve Member States, will be a modification of the emergency plans to take account of potential terrorist acts on nuclear facilities.

VII. Adherence to and implementation of international agreements, guidelines and recommendations

Objectives and goals: To bring about the adherence to, or implementation of international instruments relevant to the enhancement of protection against nuclear terrorism by a significantly increased number of States. This is achieved through outreach programmes to Member States through which States adherence to and implementation of such instruments could be encouraged, and solutions to the barriers thereto (e.g. inadequate legislation and/or regulatory structures) could be explored.

Progress made in achieving the objectives and goals

39. The Agency continues to provide advice to Member States on developing national legislation governing the safe and peaceful uses of nuclear energy. Member State requests for legislative assistance in drafting national legislation in the field of nuclear security have increased. The Agency also continued to give advice on the elements for the legal framework including basic requirements and procedures

required for the control of radioactive sources, physical protection of nuclear material, safeguards and import and export controls. A workshop on the development of a legal framework governing all aspects of the safe and peaceful uses of atomic energy was held in November 2002 and focused, inter alia, on the development of national legislation required to govern the physical protection of nuclear material based on the provisions of the Convention on the Physical Protection of Nuclear Material and INFCIRC/225/Rev.4, "The Physical Protection of Nuclear Material and Facilities". A similar workshop will be organized in 2004 for Member States in the Africa region.

40. In September 2001, the Director General of IAEA convened an open-ended group of legal and technical experts (the Group) to prepare a draft amendment of the Convention on the Physical Protection of Nuclear Material. The Group met six times in Vienna; its first meeting being held in December 2001 and its final meeting in March 2003. On 14 March 2003, the Group adopted by consensus its final report and agreed to submit it to the Director General. With the submission of that final report, the Group completed the task for which it was established. The final report of the Group identifies possible amendments that, inter alia, reflect the extension of the scope of the Convention to cover physical protection of nuclear material in domestic use, storage and transport and the protection of nuclear material and nuclear facilities against sabotage; reflect the importance of national responsibility for the establishment, implementation and maintenance of a physical protection regime; cover the physical protection objectives and fundamental principles; establish the basis for cooperation in case of a credible threat of sabotage of nuclear material and nuclear facilities or in case of sabotage thereof; and, establish new offences relating to sabotage, nuclear smuggling and, contributing to and organizing or directing the commission of an offence. However, the text prepared by the Group still contains a small number of bracketed clauses on which agreement has not yet been reached: for example, how the fundamental principles of physical protection are to be incorporated into an amended Convention; whether offences should include damage to the environment; and whether activities of military forces should be addressed by an amended Convention. The Director General will distribute the final report of the Group, through a note verbale, to all States Parties to the Convention for their consideration as to whether to initiate the procedure for the convening of an amendment conference in accordance with article 20 of the Convention. After the note verbale is distributed, it will be for a State or States Parties to activate the amendment procedure in article 20.

41. The terms of reference and the background material for the International Teams of Experts (ITE) that will visit States with a view to holding meetings with senior policy makers to promote adherence to and implementation of international instruments relevant to the enhancement of protection against nuclear terrorism have been completed. Two missions will be organized in 2003. To the extent practicable and bearing in mind the requests received, the first two ITEs will visit up to five States in Africa and up to five States in Latin America.

VIII. Nuclear security coordination and information management

Objective and goals: To support and assist in the coordination of Agency and Member State activities to strengthen nuclear security. This is achieved by establishing a well coordinated programme, by providing consolidated information, and through fostering information exchange with other international organizations.

Progress made in achieving the objectives and goals

42. Effective planning and implementation of the Agency's nuclear security plan of activities must rest on a foundation of good information on Member States needs. The IAEA will organize general nuclear security missions upon request to determine the State's overall nuclear security needs and concerns and to develop a plan for providing and coordinating support and assistance. These missions will take a comprehensive approach covering the range of nuclear activities in the State.

43. The Illicit Trafficking Data Base (ITDB) continues to grow. In 2002, 46 new incidents were confirmed by participating States and added to the database. Efforts continue to encourage more Member States to become ITDB participants. The number of Member States participating in the ITDB has increased to 73 and other States are in the process of joining. Coverage in the ITDB of incidents involving radioactive sources is improving but remains less comprehensive than that for nuclear material.

44. The Agency continues to service a high volume of ad hoc demands for information from Member States, NGOs and academic institutions and to support public information objectives. The Agency has also provided lectures and briefings on illicit trafficking trends and patterns as part of nuclear security training courses and to various workshops and seminars.

45. The Agency has maintained its cooperation with other international organizations, albeit against a backdrop where resources on all sides continue to be under considerable strain. The Agency concluded a memorandum of understanding with the Universal Postal Union in 2002 covering, inter alia, the exchange of information relevant to the transport of radioactive material. An updated version of the ITDB database containing unrestricted information will be produced and issued on CD-ROM to Interpol, EUROPOL and the World Customs Organization (WCO). In November 2002, the United Nations General Assembly adopted the resolution on "Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction". The Agency participates in this effort. This has encouraged cooperation among and between, inter alia, regional and international organizations for strengthening national capacities. Over the last six months, the Agency has provided consistent support to the WCO Task Force on Security and Facilitation on the International Trade Supply Chain. The Agency intends to continue to develop and expand its relationships with other international organizations, including, where appropriate, the establishment of formal arrangements on the cooperation.

International Civil Aviation Organization

[Original: English]
[23 May 2003]

The activities of the International Civil Aviation Organization (ICAO) are focused on preventing acts of unlawful interference to civil aviation and that the Organization has no specific measures to prevent terrorists from acquiring weapons of mass destruction. However, there are some ICAO activities that may be of interest, including:

- The ICAO Convention on the Marking of Plastic Explosives for the Purpose of Detection was signed in Montreal on 1 March 1991. Article IV, clause 1 states

that "Each State Party shall take the necessary measures to exercise strict and effective control over the possession, and transfer of possession, of unmarked explosives ... so as to prevent their diversion or use for purposes inconsistent with the objectives of this Convention".

- Pursuant to the events of 11 September 2001, the Assembly of ICAO, at its thirty-third session, adopted resolution A33-1: Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation, which urges all Contracting States to intensify their efforts to achieve full implementation and enforcement of the multilateral conventions on aviation security, as well as of the ICAO Standards and Recommended Practices (SARPs) relating to aviation security, to monitor such implementation and to take within their territories appropriate additional security measures commensurate to the level of threat in order to prevent and eradicate terrorist acts involving civil aviation.

- In 1998, the thirty-second session of the Assembly of ICAO adopted resolution A32-23: Man-portable air defence systems Export Control, with the intention of reducing the threat posed to civil aviation by terrorist and other unauthorized use of man-portable air defence systems through the implementation of responsible export control policies. More recently, the attack on 28 November 2002, which attempted to destroy a civil aircraft flying from Kenya to Israel, constitutes a serious emerging threat which calls for a broad and sustained strategy with the involvement of the United Nations. ICAO is exploring possible courses of action.

International Maritime Organization

[Original: English]
[30 May 2003]

With respect to maritime security-related instruments, the International Maritime Organization (IMO) has, in the aftermath of the "Achille Lauro" hijacking incident in October 1985, developed:

- Measures to prevent unlawful acts against passengers and crew on board ships, for application on passenger ships engaged on international voyages of 24 hours or more and the port facilities which serve them (1986);

- The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (SUA treaties) (March 1988);

- Recommendations to Governments, for, and Guidance to shipowners and ship operators, shipmasters and crews on, preventing and suppressing acts of piracy and armed robbery against ships (1993);

- Recommendations on security measures for passenger ferries on international voyages shorter than 24 hours; and ports (1996);

- Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (1997).

Following the 11 September atrocities in the United States and pursuant to resolution A.924(22), adopted by the IMO Assembly in November 2001, which called for the review of measures and procedures to prevent acts of terrorism that threaten the security of passengers and crews and the safety of ships, the 2002 SOLAS Conference on Maritime Security adopted mandatory provisions for incorporation into the International Convention for the Safety of Life at Sea (SOLAS), new chapter XI-2 on special measures to enhance maritime security, supplemented by a new International Ship and Port Facility Security (ISPS) Code, containing a mandatory part A and a recommendatory part B.

SOLAS Chapter XI-2 and the ISPS Code are expected to enter into force on 1 July 2004 and will apply to:

1. The following types of ships engaged on international voyages:

   1.1 passenger ships, including high-speed passenger craft;

   1.2 cargo ships, including high-speed craft, of 500 gross tonnage and upwards;

   1.3 mobile offshore drilling units;

2. Port facilities serving such ships engaged on international voyages.

Pursuant to resolution A.924(22), the above-mentioned SUA Convention and its protocol are currently under revision by IMO to ensure that these treaties, which provide for the prosecution or extradition of alleged criminals wherever they happen to be, remain relevant in the light of the events of 11 September.

IMO is currently cooperating with the International Labour Organization (ILO) on the development a new seafarer's identity document (revision of ILO Convention 108) and a new code of practice on port security.

IMO is also cooperating with WCO on the integrity of the multi-modal transport chain (container security: i.e. container sealing, inspections, etc.).

North Atlantic Treaty Organization

[Original: English]
[23 May 2003]

The North Atlantic Treaty Organization (NATO) acknowledges the leading role of the United Nations in addressing the threat of terrorism, contributes actively to United Nations efforts in this field and complements them in the areas where it can bring an added value. The link between terrorism and the proliferation of weapons of mass destruction deserves the closest attention. It was therefore particularly important that the special meeting of the United Nations Counter-Terrorism Committee held with regional organizations on 6 March included among its targets for 2003/2004 addressing the relationship between terrorism and international organized crime on the one hand and the threat of proliferation of weapons of mass destruction on the other. This should create further opportunities for cooperation between our two organizations.

Disarmament, arms control and non-proliferation make an essential contribution to preventing the spread and use of weapons of mass destruction and

their means of delivery. NATO's strategic concept of 1999 states that the Alliance is committed to contribute actively to the development of arms control, disarmament, and non-proliferation agreements as well as to confidence and security-building measures (CSBMs). The Allies are aware of their distinctive role in promoting a broader, more comprehensive and more verifiable international arms control and disarmament process. The Alliance's activities in this field contribute to countering the procurement and potential use of chemical, biological, radiological and nuclear agents by non-state actors. These threats and the Alliance's contributions to meeting them are reviewed regularly, especially by NATO's Senior Group on Proliferation.

NATO nations are pursuing all practical means for advancing a global proscription against the possession and use of chemical, biological and radiological weapons. The Alliance supports efforts to strengthen the implementation of the Biological and Toxin Weapons Convention of 1972.

Part of NATO's contribution to international security and stability is through the promotion of greater understanding of NBC defence issues and practical cooperation in dealing with them. The broad network of NATO's relations with partner countries — including Russia and Ukraine — and with other international organizations is a key factor in furthering cooperation on such issues. NATO and the Russian Federation continue, for example, to exchange views on the evolving nuclear, biological and chemical risks and threats, Russian and NATO defence efforts against their proliferation and the implications of those risks/threats for possible joint operations.

In the framework of the Alliance's Partnership Action Plan against Terrorism, NATO's partners will be invited to support and participate in NATO-led activities to enhance capabilities against weapons of mass destruction-related terrorism and to share appropriate information and experience in this field according to procedures to be agreed.

Staff level contacts take place between the Organization for the Prohibition of Chemical Weapons and NATO. Recent discussions have addressed the elimination of chemical weapon stockpiles and equipment and international assistance and protection in the event of the use or threat of use of chemical weapons. Further contacts are being investigated in order to explore areas of potential cooperation on issues of this kind.

The Alliance's "Matrix of bilateral Weapons of Mass Destruction Destruction and Management Assistance Programmes" highlights the assistance programmes of NATO and non-NATO countries for decommissioning weapons of mass destruction. The matrix is designed to contribute to the coordination of, and avoiding overlaps between, the Allies assistance programmes.

NATO's Economic Committee is considering the economic capabilities of terrorist organizations and the economic consequences of anti-terrorist actions. The Committee focuses in particular on the funding of terrorist activities; the effectiveness of current economic and financial sanctions on terrorist capabilities; financial and other economic links between terrorist groups; links between terrorism and organized crime; mechanisms by which terrorist groups control movement, raising and expenditure of money; and the impact of terrorist acts and threats on economic security and stability.

Finally, NATO is improving the quality and the quantity of intelligence and information-sharing among Allies on proliferation issues. In this regard, NATO staff collate assessments on the proliferation threat with a view to producing a common analysis. These assessments provide a comprehensive overview of the proliferation threat, including: weapons of mass destruction programmes; procurement mechanisms; sources of equipment and technology; trans-shipment and diversion; secondary proliferation; and doctrine. Where possible the assessments also consider potential vulnerabilities.

World Health Organization

[Original: English]
[8 April 2003]

The emphasis of the work of the World Health Organization (WHO) in this regard on the public health response to effects of chemical, biological and other forms of weapons of mass destruction rather than on linkages between the fight against terrorism and proliferation of weapons of mass destruction.

United Nations Office on Drugs and Crime

[Original: English]
[30 May 2003]

While the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime liaises with the International Atomic Energy Agency (IAEA) on matters of mutual concern, the Branch is not currently engaged in matters that are directly related to the linkage between "the fight against terrorism and the proliferation of weapons of mass destruction". The Global Programme against terrorism does, however, provide legal advisory services to requesting Member States for the ratification and implementation of the 12 universal instruments related to the prevention and suppression of international terrorism, including the Convention on the Physical Protection of Nuclear Material. In this regard, it should be pointed out that 22 countries have thus far received such assistance and it is anticipated that approximately 15 more will do so in the remainder of 2003.

While the Office's Crime Programme does have primary responsibility for the ratification and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (resolution 55/255), the Protocol does not include weapons of mass destruction.